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Senate

(Legislative day of Friday, May 22, 2015)

The Senate met at 12:01 a.m., on the expiration of the recess, and was called to order by the Honorable JAMES LANKFORD, a Senator from the State of Oklahoma.

PRAYER

The Presiding Officer offered the following prayer:

Let us pray.

Father, You are the One who forgives and restores in a place where pride comes really easy. I pray that You will give us the ability to humble ourselves so that we can encourage those who are broken and need help. Help us to speak with integrity in a day when this Nation needs role models.

We understand full well that You are our protector and shield, so we ask You to watch over us. Take care of our Nation. Take care of those dedicated men and women around the world who also protect and serve us.

We are grateful for Your wisdom, Your mercy, and Your loving kindness. Help us not to forget today that You are our Creator and You are the guide of this country, and we are Your servants. God, help us today to live and speak like it.

In the Name of Jesus, I pray.

Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 23, 2015.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JAMES LANKFORD, a Senator from the State of Oklahoma, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. LANKFORD thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls with respect to the cloture votes on the motions to proceed to H.R. 2048 and S. 1357 be waived.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote on the motion to proceed to H.R. 2048 start immediately, followed immediately by the second cloture vote if cloture is not invoked.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the Chair

lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 2048, an act to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

Mitch McConnell, Lamar Alexander, Michael B. Enzi, David Vitter, John Cornyn, Johnny Isakson, Lisa Murkowski, John Barrasso, Richard Burr, Pat Roberts, Roy Blunt, Bob Corker, Orrin G. Hatch, Jerry Moran, Patrick J. Toomey, Mike Lee, Ted Cruz.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2048, an act to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The ACTING OFFICER pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 42, as follows:

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S3313

[Rollcall Vote No. 194 Leg.]

YEAS—57

Baldwin	Gillibrand	Murphy
Bennet	Heinrich	Murray
Blumenthal	Heitkamp	Nelson
Booker	Heller	Peters
Boxer	Hirono	Reed
Brown	Hoeven	Reid
Cantwell	Johnson	Sanders
Cardin	Kaine	Schatz
Carper	Klobuchar	Schumer
Casey	Lankford	Scott
Coons	Leahy	Shaheen
Cruz	Lee	Stabenow
Daines	Manchin	Sullivan
Donnelly	Markey	Tester
Durbin	McCaskey	Udall
Feinstein	Menendez	Warner
Flake	Merkley	Warren
Franken	Mikulski	Whitehouse
Gardner	Murkowski	Wyden

NAYS—42

Alexander	Crapo	Perdue
Ayotte	Ernst	Portman
Barrasso	Fischer	Risch
Blunt	Graham	Roberts
Boozman	Grassley	Rounds
Burr	Hatch	Rubio
Capito	Inhofe	Sasse
Cassidy	Isakson	Sessions
Coats	King	Shelby
Cochran	Kirk	Thune
Collins	McCain	Tillis
Corker	McConnell	Toomey
Cornyn	Moran	Vitter
Cotton	Paul	Wicker

NOT VOTING—1

Enzi

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 57, the nays are 42.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. McCONNELL. Mr. President, I enter a motion to reconsider the vote.

The ACTING PRESIDENT pro tempore. The motion is entered.

Mr. McCONNELL. Mr. President, the Senate has demonstrated that the House-passed bill lacks the support of 60 Senators. I would urge a “yes” vote on the 2-month extension. Senator BURR, the chairman of the Intelligence Committee, and Senator FEINSTEIN, the ranking member, as we all know, have been working on a proposal that they think would improve the version that the Senate has not accepted that the House sent over. It would allow the committee to work on this bill, refine it, and bring it before us for consideration. So the 2-month extension, it strikes me, would be in the best interest of getting an outcome that is acceptable to both the Senate and the House and hopefully the President.

Mrs. BOXER. Mr. President.

Mr. McCONNELL. So I would urge a “yes” vote.

The ACTING PRESIDENT pro tempore. The Senator from California.

UNANIMOUS CONSENT REQUEST—
H.R. 2048

Mrs. BOXER. Mr. President, I ask unanimous consent that since a strong bipartisan majority of the Senate voted to invoke cloture on the motion to proceed to the USA FREEDOM Act, that the motion to proceed be agreed

to, that the bill then be read a third time, and the Senate vote on passage of the USA FREEDOM Act.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BURR. Objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mrs. BOXER. Mr. President, let's be clear what happened here. We tried with the majority—

Mr. McCONNELL. Regular order.

Mr. BURR. Regular order.

Mrs. BOXER. To protect this country, and the Republicans objected. Let's be clear.

The ACTING PRESIDENT pro tempore. Regular order has been called for. Debate is not in order.

Mrs. FEINSTEIN addressed the Chair.

The ACTING PRESIDENT pro tempore. Debate is not in order.

Mrs. FEINSTEIN. Mr. President, if I may a point of personal privilege.

Mr. President, I would like to correct the majority leader, regretfully. I did not support the Burr bill. I do not believe that is the way to go. I have taken a good look at this. For those who want reform and want to prevent the government from holding the data, the FREEDOM Act is the only way to do it. The House has passed it. The President wants it. All of the intelligence personnel have agreed to it, and I think not to pass that bill is really to throw the whole program—that whole section 215 as well as the whole business records, the “lone wolf,” the roving wiretaps—into serious legal jeopardy.

Mr. McCONNELL. Regular order, Mr. President.

The ACTING PRESIDENT pro tempore. Regular order.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1357, a bill to extend authority relating to roving surveillance, access to business records, and individual terrorists as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978 until July 31, 2015, and for other purposes.

Mitch McConnell, John Cornyn, Daniel Coats, Thom Tillis, Mike Rounds, Pat Roberts, Richard Burr, John Barrasso, Tom Cotton, Shelley Moore Capito, David Perdue, Lamar Alexander, Michael B. Enzi, David Vitter, Johnny Isakson, Roy Blunt.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1357, a bill to extend authority relating to roving surveillance,

access to business records, and individual terrorists as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978 until July 31, 2015, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER (Mr. SULLIVAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—45

Alexander	Ernst	Portman
Ayotte	Fischer	Risch
Barrasso	Flake	Roberts
Blunt	Graham	Rounds
Boozman	Grassley	Rubio
Burr	Hatch	Sasse
Capito	Hoeven	Scott
Cassidy	Inhofe	Sessions
Coats	Isakson	Shelby
Cochran	Johnson	Sullivan
Collins	Kirk	Thune
Corker	Lankford	Tillis
Cornyn	McCain	Toomey
Cotton	Nelson	Vitter
Donnelly	Perdue	Wicker

NAYS—54

Baldwin	Gillibrand	Murkowski
Bennet	Heinrich	Murphy
Blumenthal	Heitkamp	Murray
Booker	Heller	Paul
Boxer	Hirono	Peters
Brown	Kaine	Reed
Cantwell	King	Reid
Cardin	Klobuchar	Sanders
Carper	Leahy	Schatz
Casey	Lee	Schumer
Coons	Manchin	Shaheen
Crapo	Markey	Stabenow
Cruz	McCaskey	Tester
Daines	McConnell	Udall
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gardner	Moran	Wyden

NOT VOTING—1

Enzi

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. McCONNELL. Mr. President, I would say to my colleagues that it is clear there aren't 60 votes in the Senate for the House-passed bill, and there aren't 60 votes for a 60-day extension.

So I am going to propound a series of unanimous consent requests to see if we can avoid having the program expire roughly 1 week from now.

UNANIMOUS CONSENT REQUESTS

Therefore, I ask unanimous consent that the Senate now proceed to a bill to extend the expiring provisions until June 8, and that the bill be read a third time and passed with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, we have entered into a momentous debate. This is a debate about whether or not a warrant with a single name of a single company can be used to collect all of the records—all of the phone records—of all of the people in our country with a single warrant.

Our forefathers would be aghast. One of the things they despised was general warrants. This is a debate that should be had. The reason I am objecting is because I have made a very simple request—to have amendments, to have them voted on, and to have a guarantee that they are voted on.

I started out the day with a request for six amendments. I am willing to compromise to have two amendments and a simple majority vote.

I think that is a very reasonable position. And if we can't have that and we can't have an extensive debate over something we have had 4 years to prepare for, I will object, and I do.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, I renew my unanimous consent request with an amendment to extend expiring authorities until June 5.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. MCCONNELL. Mr. President, I renew my unanimous consent request with an amendment to extend expiring authorities until June 3.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, I will defer to the Senator from New Mexico if he wishes to make an objection.

Mr. HEINRICH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, I renew my unanimous consent request with an amendment to extend expiring authorities until June 2.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. MCCONNELL. Mr. President, I enter my motion to reconsider.

The PRESIDING OFFICER. The motion is entered.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, here is where we are. We are unable to clear any short-term extension, and the current law expires at midnight on Sunday. So the Senate will be back in session Sunday afternoon—a week from Sunday—on May 31, with one more opportunity to act responsibly and not allow this program to expire.

This is a high-threat period. We know what is going on overseas. We know what has been tried here at home. Do we really want this law to expire?

We have 1 week to discuss it. We will have 1 day to do it. So we better be ready next Sunday afternoon to prevent the country from being in danger by the total expiration of the program we are all familiar with.

Unless there is objection, and I understand there is not an objection, we will pass the highway extension on a voice vote tonight and we will be back in session Sunday a week.

Mr. REID. Will my friend yield for a question?

Mr. MCCONNELL. I yield for a question.

Mr. REID. We would be happy to cooperate in passing a surface transportation bill by voice, but I do say this—and I mentioned this to my colleague away from the microphones. For those of us living in the West, we cannot get back on a Sunday afternoon. I think it is very difficult for us to get back here on a weekday before 5 o'clock, so I would hope on a Sunday we wouldn't be expecting the Senate to come in session before 5 o'clock because we can't get here.

I am protecting the western part of my caucus, which is pretty big, but I am not going to agree to anything unless we can come in at least after 5 o'clock.

Mr. MCCONNELL. Well, as my friend the Democratic leader knows, I would be happy to work with him on that. He also knows I just tried to get a short-term extension of a variety of different lengths in order not to put us in this position, but we are left with this option only.

We will work with the Democratic leader about the actual time, but the law expires at midnight Sunday a week. I doubt if there are many of us comfortable with that—maybe a handful—but we need to act responsibly here on behalf of the American people.

Mr. REID. I agree.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I am not sure I made it clear to everyone that there will be no more votes tonight. We will see you in a week.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SECURITY LEGISLATION

Ms. MIKULSKI. Mr. President, I wanted to speak earlier because I wanted to encourage my colleagues on both sides of the aisle to come to a resolution on this problem. We cannot let this country go dark in terms of its ability to do its duty to defend the United States of America. We have to get off of what we are doing here and start getting down to the business of what we need to do.

I have to believe that tonight the world is watching us and they are saying: There goes the United States Senate, and there they go home, ha, ha, ha. They have a program that someone tried to render helpless in terms of our ability to protect ourselves. Edward Snowden literally tried to disgrace the United States.

Now here we are working on a program that went through the respective committees, that has the sound and sensible solution, and we have rejected it.

I am not here to talk about the program, but I will tell you whom I am ready to talk about—the thousands and thousands and thousands of people who work at the National Security Agency, and I want to talk about what they go through every day. They are out there working a 36-hour day trying to defend the United States of America, and they want to work under a law that is constitutional, is legal, is authorized, so they can do the necessary work to defend the United States of America. They thought they were doing that under the old FISA bill. They thought they were doing that. They were proud of what they were doing. They mustered everything they could give to this country. Then along comes Eric Snowden. Then along come the leaks. Then along comes the pontificating about “My, my, my, we have to worry about privacy.”

I worry about privacy, too, but I also worry about the safety and security of

the United States of America. And I watched the Nation vilify the men and women who work at this Agency.

So now, as we work under the current law—which will expire; make no mistake, it will expire—we don't have it together to pass a new law. So they have been vilified for what they have done. They have been vilified for what they have done, in many instances attacked by their neighbors, their children picked on and bullied because their parents work at this Agency. Morale was at a low ebb. Finally, now we are trying to deal with and cope with that. They are proud of their work. And what are we doing? We can't even pass a law. We can't even pass a law. I think that is absolutely outrageous.

I am so sorry we are going home. I am so sorry we are going home. So now we will come back next Sunday. I really urge those people—who I know are of good will and well-intentioned—to really work to find a way that when we come back next Sunday, we will be able to vote and move forward and not end up in this ongoing parliamentary quagmire.

I worry about our country, and I worry about our ability to govern. This is as serious as it gets. What is the role of a National Security Agency? To be able to operate and function in a way that is constitutional, legal, authorized, and obviously of necessity.

So I really feel very strongly about this. And I have watched all this go back and forth. So we spent hours and days and days and days on all of these amendments on trade. That is good. I am glad we did it. But I am not glad we took that long. We had this bill. We knew we had this bill. We waited until the last minute. We got ourselves into a jackpot. Now we really have to find our way out.

I just cannot speak more forcibly and enough about this. Well, I will have more to say next week. But I really urge others to do their very best. I know there are people here, such as my colleague Senator FEINSTEIN and others, who have worked on this.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROUNDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGHWAY AND TRANSPORTATION FUNDING ACT OF 2015

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 89, H.R. 2353.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2353) to provide an extension of Federal-aid highway, highway safety, motor

carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Is there further debate?

The Senator from Illinois.

Mr. DURBIN. Mr. President, is there going to be a unanimous consent request made at this point?

The PRESIDING OFFICER. The Chair understands there will be.

Mr. DURBIN. I will reserve the right to object at that point.

Mr. President, in the interest of time—I know it is early in the morning—I would like to make a statement. I am not going to object to proceeding to this measure, but I would like to make a matter of record what I am sure the Senator from South Dakota already knows: that absent our action at this moment, the Federal highway program authority will expire May 31.

We have just spent the better part of the evening contemplating the expiration of important law relative to our national security, and we have not resolved it.

What is happening here, of course, is a request for a 60-day extension of the Federal highway program. I might say—and I am sure the Senator from South Dakota is well aware of this—this is the 33rd short-term extension of our Federal highway program.

I think all of us understand that the program that once was considered to be the centerpiece of America's infrastructure and its economy has now deteriorated to the point where we are extending it for 1 month, 2 months, and 3 months at a time. Frankly, it does not serve our country and it doesn't serve our economy. It is a reflection on the lack of leadership by those who have the authority in committees and in the House and Senate to propose a measure that becomes a long-term highway program.

I just want to make it clear that instead of enacting a 6-year transportation program worthy of our great Nation, this Congress continues to limp along down a political highway of excuses. It is coming to an end.

There have been lengthy discussions in our Democratic caucus that these continued short-term extensions are unacceptable in this great Nation. And I would just say that although we will agree to this 60-day extension, we are serving notice on the majority leader in the Senate as well as the Speaker to do their job and to enact a law that provides the kind of infrastructure that could build America's economy.

So I will not object to this request, but notice is given that in this 60 days, it is time for this Congress to act.

I yield the floor.

The PRESIDING OFFICER. If there is no further debate, the question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2353) was passed.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, I ask unanimous consent that the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROUNDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ROUNDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mr. KING, and Mr. WHITEHOUSE)

1469. A bill to amend the Foreign Intelligence Surveillance Act of 1978 and for other purposes; to the Committee on the Judiciary.

EXECUTIVE SESSION

NOMINATION OF PETER LEVINE TO BE DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE

NOMINATION OF PAUL A. FOLMSBEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI

NOMINATION OF STAFFORD FITZGERALD HANEY TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Executive Calendar Nos. 83, 126, and 128, and that the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that following disposition of the nominations, the motions to reconsider be considered made and laid upon the table; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The legislative clerk read the nominations of Peter Levine, of Maryland, to be Deputy Chief Management Officer of the Department of Defense; Paul A. Folmsbee, of Oklahoma, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali; and Stafford Fitzgerald Haney, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

VOTE ON LEVINE NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Peter Levine, of Maryland, to be Deputy Chief Management Officer of the Department of Defense?

The nomination was confirmed.

VOTE ON FOLMSBEE NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Paul A. Folmsbee, of Oklahoma, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali?

The nomination was confirmed.

VOTE ON HANEY NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Stafford Fitzgerald Haney, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica?

The nomination was confirmed.

EXECUTIVE CALENDAR

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider all nominations placed on the Secretary's desk in the Foreign Service; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's actions, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE FOREIGN SERVICE

PN72-3 FOREIGN SERVICE nomination of Douglas A. Koneff, which was received by the Senate and appeared in the Congressional Record of January 13, 2015.

PN259 FOREIGN SERVICE nomination of Judy R. Reinke, which was received by the

Senate and appeared in the Congressional Record of March 4, 2015.

PN260 FOREIGN SERVICE nominations (56) beginning Brian C. Brisson, and ending Catherine M. Werner, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2015.

PN368 FOREIGN SERVICE nominations (3) beginning Peter J. Olson, and ending Nicolas Rubio, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2015.

PN369 FOREIGN SERVICE nominations (346) beginning Craig A. Anderson, and ending Henry Kaminski, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2015.

PN370 FOREIGN SERVICE nominations (212) beginning Anthony S. Amatos, and ending Elena Zlatnik, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2015.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

GIRLS COUNT ACT OF 2015

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 91, S. 802.

The PRESIDING OFFICER pro tempore. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 802) to authorize the Secretary of State and the Administrator of the United States Agency for International Development to provide assistance to support the rights of women and girls in developing countries, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Girls Count Act of 2015".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the United States Census Bureau's 2013 international figures, 1 person in 12, or close to 900,000,000 people, is a girl or young woman age 10 through 24.

(2) The Census Bureau's data also illustrates that young people are the fastest growing segment of the population in developing countries.

(3) Even though most countries do have birth registration laws, four out of ten babies born in 2012 were not registered worldwide. Moreover, an estimated 36 percent of children under the age of five worldwide (about 230,000,000 children) do not possess a birth certificate.

(4) A nationally recognized proof of birth system is important to determining a child's citizenship, nationality, place of birth, parentage, and age. Without such a system, a passport, driver's license, or other identification card is difficult to obtain. The lack of such documentation can prevent girls and women from officially participating in and benefiting from the formal economic, legal, and political sectors in their countries.

(5) The lack of birth registration among girls worldwide is particularly concerning as it can exacerbate the disproportionate vulnerability of

women to trafficking, child marriage, and lack of access to health and education services.

(6) A lack of birth registration among women and girls can also aggravate what, in many places, amounts to an already reduced ability to seek employment, participate in civil society, or purchase or inherit land and other assets.

(7) Girls undertake much of the domestic labor needed for poor families to survive: carrying water, harvesting crops, tending livestock, caring for younger children, and doing chores.

(8) Accurate assessments of access to education, poverty levels, and overall census activities are hampered by the lack of official information on women and girls. Without this rudimentary information, assessments of foreign assistance and domestic social welfare programs are difficult to gauge.

(9) To help ensure that women and girls are considered in United States foreign assistance policies and programs, that their needs are addressed in the design, implementation, and evaluation of foreign assistance programs, and that women and girls have the opportunity to succeed, it is important that girls be counted and have access to birth certificates and other official documentation.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) encourage countries to support the rule of law and ensure girls and boys of all ages are able to fully participate in society, including by providing birth certifications and other official documentation;

(2) enhance training and capacity-building in key developing countries, local nongovernmental organizations, and other civil society organizations, including faith-based organizations and organizations representing children and families in the design, implementation, and monitoring of programs under this Act, to effectively address the needs of birth registries in countries where girls are systematically undercounted; and

(3) incorporate into the design, implementation, and evaluation of policies and programs measures to evaluate the impact that such policies and programs have on girls.

SEC. 4. UNITED STATES ASSISTANCE TO SUPPORT COUNTING OF GIRLS IN THE DEVELOPING WORLD.

(a) *AUTHORIZATION.*—The Secretary and the Administrator are authorized to prioritize and advance ongoing efforts to—

(1) support programs that will contribute to improved and sustainable Civil Registration and Vital Statistics Systems (CRVS) with a focus on birth registration;

(2) support programs that build the capacity of developing countries' national and local legal and policy frameworks to prevent discrimination against girls in gaining access to birth certificates, particularly where this may help prevent exploitation, violence, and other abuse; and

(3) support programs and key ministries, including, interior, youth, and education ministries, to help increase property rights, social security, home ownership, land tenure security, inheritance rights, access to education, and economic and entrepreneurial opportunities, particularly for women and girls.

(b) *COORDINATION WITH MULTILATERAL ORGANIZATIONS.*—The Secretary and the Administrator are authorized to coordinate with the World Bank, relevant United Nations agencies and programs, and other relevant organizations to encourage and work with countries to enact, implement, and enforce laws that specifically collect data on girls and establish registration programs to ensure girls are appropriately counted and have the opportunity to be active participants in the social, legal, and political sectors of society in their countries.

(c) *COORDINATION WITH PRIVATE SECTOR AND CIVIL SOCIETY ORGANIZATIONS.*—The Secretary and the Administrator are authorized to work with the United States, international, and local

private sector and civil society organizations to advocate for the registration and documentation of all girls and boys in developing countries, in order to help prevent exploitation, violence, and other abuses and to help provide economic and social opportunities.

SEC. 5. REPORT.

The Secretary and the Administrator shall include in relevant evaluations and reports to Congress the following information:

(1) To the extent practicable, a breakdown of United States foreign assistance beneficiaries by age, gender, marital status, location, and school enrollment status.

(2) A description, as appropriate, of how United States foreign assistance benefits girls.

(3) Specific information, as appropriate, on programs that address the particular needs of girls.

SEC. 6. DEFINITIONS.

In this Act:

(1) *ADMINISTRATOR*.—The term “Administrator” means the Administrator of the United States Agency for International Development.

(2) *FOREIGN ASSISTANCE*.—The term “foreign assistance” has the meaning given the term in section 634(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394(b)).

(3) *SECRETARY*.—The term “Secretary” means the Secretary of State.

SEC. 7. SUNSET.

This Act shall expire on the date that is five years after the date of the enactment of this Act.

Mr. ROUNDS. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to; the bill, as amended, be read a third time and passed; and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 802), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL PEDIATRIC STROKE AWARENESS MONTH

Mr. ROUNDS. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 156 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 156) expressing the sense of the Senate with respect to childhood stroke and recognizing May 2015 as “National Pediatric Stroke Awareness Month.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROUNDS. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 156) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of April 30, 2015, under “Submitted Resolutions.”)

APPOINTMENTS AUTHORITY

Mr. ROUNDS. Mr. President, I ask unanimous consent that notwithstanding the upcoming adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTING AUTHORITY

Mr. ROUNDS. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, committees be allowed to report bills and reports on Tuesday, May 26, between the hours of 2 p.m. and 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MAY 26 THROUGH SUNDAY, MAY 31, 2015

Mr. ROUNDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the following dates and times to convene for pro forma session only, with no business being conducted; further, that following each pro forma session, the Senate adjourn until the next pro forma session: Tuesday, May 26, 4 p.m., and Thursday, May 28, 8:30 a.m.; further, that the Senate adjourn on May 28 until 4 p.m., Sunday, May 31; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate resume consideration of the motion to proceed to H.R. 2048.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TUESDAY, MAY 26, 2015, AT 4 P.M.

Mr. ROUNDS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 2 a.m., adjourned until Tuesday, May 26, 2015, at 4 p.m.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3313–S3318

Measures Introduced: One bill was introduced, as follows: S. 1469. **Pages S3316**

Measures Passed:

Highway and Transportation Funding Act: Senate passed H.R. 2353, to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund. **Page S3316**

Girls Count Act: Senate passed S. 802, to authorize the Secretary of State and the Administrator of the United States Agency for International Development to provide assistance to support the rights of women and girls in developing countries, after agreeing to the committee amendment in the nature of a substitute. **Pages S3317–18**

National Pediatric Stroke Awareness Month: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 156, expressing the sense of the Senate with respect to childhood stroke and recognizing May 2015 as “National Pediatric Stroke Awareness Month”, and the resolution was then agreed to. **Page S3318**

Measures Considered:

USA FREEDOM ACT—Agreement: By 57 yeas to 42 nays (Vote No. 194), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of H.R. 2048, to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes. **Pages S3313–14**

Subsequently, Senator McConnell entered a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill. **Page S3314**

A unanimous-consent agreement was reached providing that at approximately 4:00 p.m., on Sunday, May 31, 2015, Senate resume consideration of the motion to proceed to consideration of the bill. **Page S3318**

Foreign Intelligence Surveillance Act: By 45 yeas to 54 nays (Vote No. 195), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of S. 1357, to extend authority relating to roving surveillance, access to business records, and individual terrorists as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978 until July 31, 2015. **Page S3314**

Subsequently, Senator McConnell entered a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill. **Pages S3314–15**

Appointment Authority—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the upcoming adjournment of the Senate, the President of the Senate, the President pro tempore and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two houses, or by order of the Senate. **Page S3318**

Reporting Day—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, Committees be allowed to report bills and reports on Tuesday, May 26, 2015, between the hours of 2 p.m., and 4 p.m. **Page S3318**

Pro Forma Session—Agreement: A unanimous-consent agreement was reached providing that Senate adjourn until the following dates and times to convene for pro forma session only, with no business conducted; that following each pro forma session, Senate adjourn until the next pro forma session: Tuesday, May 26, 2015, at 4 p.m.; and Thursday, May 28, 2015, at 8:30 a.m.; and that Senate adjourn

on Thursday, May 28, 2015, until 4 p.m., on Sunday, May 31, 2015. **Page S3318**

Nominations Confirmed: Senate confirmed the following nominations:

Paul A. Folmsbee, of Oklahoma, to be Ambassador to the Republic of Mali. **Pages S3316–17**

Stafford Fitzgerald Haney, of New Jersey, to be Ambassador to the Republic of Costa Rica. **Pages S3316–17**

Peter Levine, of Maryland, to be Deputy Chief Management Officer of the Department of Defense. **Page S3317**

Routine lists in the Foreign Service. **Page S3317**

Record Votes: Two record votes were taken today. (Total—195) **Page S3314**

Adjournment: Senate convened at 12:01 a.m. and adjourned at 2 a.m., until 4 p.m. on Tuesday, May 26, 2015. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3318.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet in a pro forma session at 3 p.m., on Tuesday, May 26, 2015.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, MAY 26, 2015

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the SENATE

4 p.m., Tuesday, May 26

Senate Chamber

Program for Tuesday: Senate will meet in pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES

3 p.m., Tuesday, May 26

House Chamber

Program for Tuesday: The House is scheduled to meet in pro forma session at 3 p.m. on Tuesday, May 26, 2015.



Congressional Record

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